

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ISHIBASHI *et al.*

Appl. No.: *To Be Assigned* (Continuation  
of PCT/JP02/10891; Int'l Filing  
Date: October 21, 2002)

Filed: Herewith

For: **Hydraulic Transmission Vehicle**

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 0666.2240000/TGD/EDH

**Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

☒ 6. A concise explanation of the relevance of the non-English language documents is attached to each and/or provided in the enclosed International Search Report.

☒ 7. Copies of the documents are submitted herewith.

☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: March 22, 2004

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Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			<b>Complete If Known</b>		
			Application Number	To Be Assigned	
			Filing Date	Herewith	
			First Named Inventor	ISHIBASHI	
			Art Unit	To Be Assigned	
			Examiner Name	To Be Assigned	
Sheet	1	of	2	Attorney Docket Number	0666.2240000

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	AA1	Patent Abstracts of Japan. Publication Number: 56-127843, Date of Publication: 06/10/1981; Title: <b>Automatic Synchronizing Device of Direct Transmission.</b>	
	AB1	Patent Abstracts of Japan. Publication Number: 63-022737, Date of Publication: 01/30/1988; Title: <b>Variable Speed Control Method For Continuously Variable Transmission For Vehicle.</b>	
	AC1	Publication Number: 63-33584, Date of Publication: 07/06/1988;	
	AD1	Publication Number: 2-130457, Date of Publication: 10/26/1990.	
	AE1	Publication Number: 2-130818, Date of Publication: 10/30/1990.	
	AF1	Patent Abstracts of Japan. Publication Number: 10-115357, Date of Publication: 05/06/1998; Title: <b>Continuously Variable Transmision.</b>	
	AG1	Patent Abstracts of Japan. Publication Number: 2000-074213, Date of Publication: 03/14/2000; Title: <b>Method of Controlling Running Speed of Vehicle and Device Therefor.</b>	
	AH1	Document Number: WO00/25041, Date: 04/05/2000; Title: <b>Continuously Variable Transmision.</b>	
	AI1	Patent Abstracts of Japan. Publication Number: 2000-108698, Date of Publication: 04/18/2000; Title: <b>HST Control Device For Working Vehicle.</b>	
	AJ1	Patent Abstracts of Japan. Publication Number: 2000-127781, Date of Publication: 05/09/2000; Title: <b>Shift Control Method For Hydromechanical Transmission.</b>	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M PEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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			First Named Inventor	ISHIBASHI	
			Art Unit	To Be Assigned	
			Examiner Name	To Be Assigned	
Sheet	2	of	2	Attorney Docket Number	0666.2240000

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	AK1	Patent Abstracts of Japan. Publication Number: 2000-130558, Date of Publication: 05/12/2000; Title: <b>HST Control Method For Hydro-Mechanical Transmission.</b>	
	AL1	Patent Abstracts of Japan. Publication Number: 2001-059573, Date of Publication: 03/06/2001; Title: <b>Swash Plate Angle Controlling Mechanism For Hydraulic Continuously Variable Transmission.</b>	
	AM1	Patent Abstracts of Japan. Publication Number: 2001-108061, Date of Publication: 04/20/2001; Title: <b>Traveling Speed Control Device.</b>	
	AN1	Patent Abstracts of Japan. Publication Number: 2002-139125, Date of Publication: 05/17/2002; Title: <b>Drive Mode Switching Mechanism of Tractor With HMT Type Transmission.</b>	

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